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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,327	03/12/2001	Gunter Knepe	HM-361PCT	3564
7590 10/08/2004			EXAMINER	
Friedrich Kueffner 317 Madison Avenue Suite 910 New York, NY 10017			LARSON, LOWELL A	
			ART UNIT	PAPER NUMBER
			3725	
DATE MAILED: 10/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/673,327

Applicant(s)

KNEPPE ET AL.

Examiner

Lowell A Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10 and 12 to 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 12 to 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 10 and 12 to 15 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Mercer in view of Salter, Jr. and Dahlstrom for the reasons set forth in Paragraph 3 of the last Office action (Paper No. 26 mailed March 30, 2004).

Applicant's remarks in the response filed July 2, 2004 have been carefully considered but are not found to be persuasive. Dahlstrom clearly detects axial movement of the rolls 17, 18 by means 32, 33, 34 (Figure 8) directly coupled to the ends of the rolls. See page 3, column 2, lines 42 to 51, and page 4, column 1, lines 5 to 13 and 24 to 27. The fact that Dahlstrom utilizes the detected axial position of the roll ends to effect an adjustment of the roller support bearings in a plane parallel to the rolling direction is not considered to be significant in the grounds of rejection of record in this application. Instead, Dahlstrom is considered to suggest to one skilled in the art that it is desirable to detect the axial position of working rolls by instrumentation located directly at the ends of the rolls rather than measuring the position of another element associated with the rolls, such as the supporting bearings. It follows from such a suggestion that one skilled in the art would be motivated to locate the axial measurement transducer 84 of Mercer in direct contact with the end of the roll, rather than in contact with the bearing housing element 54 as seen in the Mercer drawing, in

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order, as stated in the grounds of rejection, to avoid measurement errors which might arise from machine tolerances or play present in the assembly of the bearing and roll.

It is also noted that the July 2, 2004 response mischaracterizes the operation of the Dahlstrom arrangement disclosed in Figure 8. It is clearly disclosed in Dahlstrom that endwise movement of a roll to the left closes a circuit with contacts 33 and endwise movement to the right closes a circuit with contacts 34. See page 3, column 1, lines 66 to 69 and column 2, lines 23 to 28. There is no disclosure that misalignment of the roll axis from a position perpendicular to the rolling direction creates a circuit by conductor 32 contacting one terminal 33 and a diagonally located terminal 34, as contended in the response.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

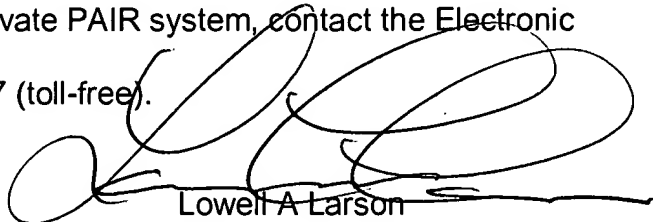
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lowell A Larson whose telephone number is 703 308-1873. The examiner can normally be reached from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Ostrager can be reached at 703 308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lowell A. Larson', is written over the printed name and title.

Lowell A Larson  
Primary Examiner  
Art Unit 3725

LAL  
October 7, 2004